

Representatives [shall end] at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.”

CROSS REFERENCES

Claims for overpayment or pay or allowances to Senators, see section 130c of this title.

§ 36a. Payment of sums due deceased Senators and Senate personnel

Under regulations prescribed by the Secretary of the Senate, a person serving as a Senator or officer or employee whose compensation is disbursed by the Secretary of the Senate may designate a beneficiary or beneficiaries to be paid any unpaid balance of salary or other sums due such person at the time of his death. When any person dies while so serving, any such unpaid balance shall be paid by the disbursing officer of the Senate to the designated beneficiary or beneficiaries. If no designation has been made, such unpaid balance shall be paid to the widow or widower of that person, or if there is no widow or widower, to the next of kin or heirs at law of that person.

Section 50 of the Revised Statutes shall not be effective as to persons included within the foregoing.

(Jan. 6, 1951, ch. 1213, Ch. I, §1, 64 Stat. 1224; Oct. 31, 1972, Pub. L. 92-607, ch. V, §503, 86 Stat. 1505.)

REFERENCES IN TEXT

Section 50 of the Revised Statutes, referred to in text, which required payment of not less than three months' salary to the widow or heirs at law of a deceased Member of or Delegate in Congress, was classified to section 38 of this title and was omitted from the Code as superseded by section 38a of this title.

AMENDMENTS

1972—Pub. L. 92-607 inserted provisions for designation of a beneficiary by Senators and officers and employees whose compensation is disbursed by Secretary of Senate to whom shall be paid any unpaid balance of salary or other sums due such person at time of death.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5581.

§ 37. Salaries of Representatives, Delegates, and Resident Commissioners elected for unexpired terms

The salaries of Representatives in Congress, Delegates from Territories, and Resident Commissioners, elected for unexpired terms, shall commence on the date of their election and not before.

(July 16, 1914, ch. 141, §1, 38 Stat. 458.)

CROSS REFERENCES

Resident Commissioner of Puerto Rico, see section 891 et seq. of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 38. Omitted

CODIFICATION

Section, R.S. §§49, 50; acts Jan. 20, 1874, ch. 11, 18 Stat. 4; Mar. 4, 1925, ch. 549, §4, 43 Stat. 1301, related to

pay of member dying after commencement of Congress, and was omitted from the Code as superseded by section 38a of this title.

§ 38a. Disposition of unpaid salary and other sums on death of Representative or Resident Commissioner

When any individual who has been elected a Member of, or Resident Commissioner to, the House of Representatives dies after the commencement of the Congress to which he has been elected, any unpaid balance of salary and other sums due such individual (including amounts held in the trust fund account in the office of the Sergeant at Arms) shall be paid to the person or persons surviving at the date of death, in the following order of precedence, and such payment shall be a bar to the recovery by any other person of amounts so paid:

First, to the beneficiary or beneficiaries designated by such individual in writing to receive such unpaid balance and other sums due filed with the Sergeant at Arms, and received by the Sergeant at Arms prior to such individual's death;

Second, if there be no such beneficiary, to the widow or widower of such individual;

Third, if there be no beneficiary or surviving spouse, to the child or children of such individual, and descendants of deceased children, by representation;

Fourth, if none of the above, to the parents of such individual, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased individual, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased individual.

(July 2, 1954, ch. 455, title I, §105, 68 Stat. 409; July 23, 1959, Pub. L. 86-102, 73 Stat. 224.)

AMENDMENTS

1959—Pub. L. 86-102 inserted provisions including amounts held in trust fund account, authorizing an individual to designate a beneficiary or beneficiaries, and prescribing order of precedence in cases where no designation of beneficiary has been made.

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

CROSS REFERENCES

Settlement of accounts of employees generally, see section 5581 et seq. of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 38b. Death gratuity payments as gifts

Any death gratuity payment at any time specifically appropriated by any Act of Congress or at any time made out of the contingent fund of the House of Representatives or of the Senate shall be held to have been a gift.

(June 5, 1952, ch. 369, Ch. I, 66 Stat. 101.)

CODIFICATION

Section is also set out as section 125a of this title.

§ 39. Deductions for absence

The Secretary of the Senate and Sergeant at Arms of the House, respectively, shall deduct from the monthly payments (or other periodic payments authorized by law) of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

(R.S. § 40; Pub. L. 97-51, § 112(d), Oct. 1, 1981, 95 Stat. 963.)

CODIFICATION

R.S. § 40 derived from act Aug. 16, 1856, ch. 123, § 6, 11 Stat. 49.

AMENDMENTS

1981—Pub. L. 97-51 substituted “from the monthly payments (or other periodic payments authorized by law)” for “from the monthly payments”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-51 effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97-51, set out as a note under section 33 of this title.

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 40. Deductions for withdrawal

When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his mileage in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives respectively.

(R.S. § 41.)

CODIFICATION

R.S. § 41 derived from Res. July 17, 1862, No. 68, § 2, 12 Stat. 628.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 40a. Deductions for delinquent indebtedness

Whenever a Representative, Delegate, Resident Commissioner, or a United States Senator, shall fail to pay any sum or sums due from such person to the House of Representatives or Sen-

ate, respectively, the appropriate committee or officer of the House of Representatives or Senate, as the case may be, having jurisdiction of the activity under which such debt arose, shall certify such delinquent sum or sums to the Sergeant at Arms of the House in the case of an indebtedness to the House of Representatives and to the Secretary of the Senate in the case of an indebtedness to the Senate, and such latter officials are authorized and directed, respectively, to deduct from any salary, mileage, or expense money due to any such delinquent such certified amounts or so much thereof as the balance or balances due such delinquent may cover. Sums so deducted by the Secretary of the Senate shall be disposed of by him in accordance with existing law, and sums so deducted by the Sergeant at Arms of the House shall be paid to the Clerk of the House and disposed of by him in accordance with existing law.

(June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1024.)

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms and Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

CROSS REFERENCES

Claims for overpayment of pay or allowances to Senators, see section 130c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 41. Newspapers

No Member or Delegate is entitled to any allowance for newspapers.

(R.S. § 43.)

CODIFICATION

R.S. § 43 derived from act Feb. 12, 1868, ch. 8, § 1, 15 Stat. 35.

APPLICABILITY OF PROHIBITION DURING NINETY-FIFTH CONGRESS

Section 302(c) of House Resolution No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, provided that: “Chapter 8, section 1 of the Act of February 12, 1868 (2 U.S.C. 41) shall have no effect during the Ninety-fifth Congress.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§ 42. Postage

(a) In addition to postage stamps authorized to be furnished under any other provision of law, until otherwise provided by law, the Clerk of the House of Representatives shall procure and furnish United States postage stamps (1) to each Representative, the Resident Commissioner of Puerto Rico, and the Delegate from the District of Columbia in an amount not exceeding \$210 and (2) to each standing committee of the House of Representatives upon request of the chairman thereof, in an amount not exceeding \$130.